



# भारत का राजपत्र

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सं० 22। नई दिल्ली, जुलाई 30—अगस्त 5, 2006, शनिवार/श्रावण 8—श्रावण 14, 1928

No. 22। NEW DELHI, JULY 30—AUGUST 5, 2006, SATURDAY/SRAVANA 8—SRAVANA 14, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)  
PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्य श्वेत प्रशासनों को छोड़कर) द्वारा जारी किये आदेश और अधिसूचनाएं  
Orders and Notifications issued by Central Authorities (other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 24 जुलाई, 2006

आ. अ. 72.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग 2004 की निर्वाचन अर्जी संख्या 14 में इलाहाबाद उच्च न्यायालय, इलाहाबाद के तारीख 6 जनवरी, 2006 के निर्णय को एतद्वारा प्रकाशित करता है।  
(निर्णय इस अधिसूचना के अंग्रेजी भाग में छपा है।)

[सं. 82/उ.प्र.—लो.स./14/2004(इला.)]

आदेश से,

ललित मोहन, सचिव

### ELECTION COMMISSION OF INDIA

New Delhi, the 24th July, 2006

O.N. 72.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the Judgement dated 6th January, 2006 of the High Court of Judicature at Allahabad, Allahabad in Election Petition No. 14 of 2004.

## IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

## CIVIL SIDE

## ORIGINAL JURISDICTION

Dated Allahabad the : 06-01-2006

## PRESENT

The Hon'ble S. P. Mehrotra

....Judge

ELECTION PETITION NO. 14 OF 2004

Order on the Petition of Badrul Islam

....Petitioner

*In re*

Badrul Islam, son of Liaqat Husain R/o 398, Patti Musalmanaan-6, Qasba Siyana, District Bulandshahr.

....Petitioner

*Versus*

1. Kalyan Singh s/o Shri Tejpal Singh,  
Village Maroli Nisfi Asharfabad  
Dak Khas, District Aligarh.
2. Returning Officer, LS-74—Bulandshahr 2004 General Elections  
(Kuldeep Seth) C/o District Magistrate Bulandshahr  
Collectorate, Bulandshahr.
3. Election Commission of India through its Secretary  
Election Commission Office,  
Ashok Road, New Delhi-1.
4. District Magistrate Bulandshahr  
DM Colony, Bulandshahr.

....Respondents

Counsel for the Petitioner

: Sri Shams Khwaja

Counsel for the Respondents

: Sri Neeraj Tripathi  
Sri K. R. Singh

## BY THE COURT

Court No. 48

Election Petition No. 14 of 2004

Badrul Islam Vs. Kalyan Singh

Hon. S. P. Mehrotra, J.

On 29th July, 2005 the present Election Petition was listed before the Court.

On the said date i.e. 29th July, 2005, Sri K. R. Singh, learned counsel for the respondent No. 1 and Sri Shams Khwaja, learned counsel for the petitioner, were present. Learned Standing Counsel appearing for the respondent Nos. 2 and 4 was also present.

On the said date i.e. 29th July, 2005, Sri Shams Khwaja, learned counsel for the petitioner was granted six weeks' further time for filing replies to various applications, as mentioned in the said order dated 29th July, 2005.

The said order dated 29th July, 2005, *inter alia*, further directed the case to be listed on 7-10-2005.

Pursuant to the said order dated 29th July, 2005, the case was listed before the Court on 7-10-2005

On the said date, i.e., 7-10-2005, Sri K. R. Singh, learned counsel for the respondent No. 1 was present. However, the learned counsel for the petitioner was not present even when the case was taken-up in the revised list.

In the circumstances, by the order dated 7-10-2005, the case was adjourned, and was directed to be listed on 25-11-2005.

Pursuant to the said order dated 7-10-2005, the Election Petition was listed before the Court on 25-11-2005.

On the said date, i.e., 25-11-2005, Sri K. R. Singh, learned counsel for the respondent No. 1 was present. However, the learned counsel for the petitioner was not present.

In the circumstances, by the order dated 25-11-2005 (incorrectly mentioned as 26-11-2005), the case was adjourned, and was directed to be listed on 19-12-2005.

Pursuant to the said order dated 25-11-2005 (incorrectly mentioned as 26-11-2005), the case was listed before the Court on 19-12-2005.

On the said date, i.e., 19-12-2005, Sri K. R. Singh, learned counsel for the respondent No. 1 was present. However, the learned counsel for the petitioner was again not present.

In the circumstances, the Court by the order dated 19-12-2005, adjourned the case, and directed the case to be listed peremptorily on 6-1-2006.

Pursuant to the said order dated 19-12-2005, the case is listed today (i.e. on 6-1-2006) peremptorily.

The case has been called out in the revised list.

Sri K. R. Singh, learned counsel for the respondent No. 1 is present. However, the learned counsel for the petitioner is not present.

In the circumstances, the Court has no option, but to dismiss the Election Petition for want of prosecution.

The Election Petition is accordingly dismissed for want of prosecution.

Dtd. 6-1-2006/Election Petition No. 14 of 2004/aks.

Sd/—

S. P. Mehrotra

[No. 82/UP-HP/14/2004 (Alld.)]

By Order,

LALIT MOHAN, Secy.